

MINUTES
PUBLIC SAFETY AND PERSONNEL COMMITTEE MEETING
SPECIAL MEETING
AUGUST 19, 2013

Elected Officials Present: **Councilmember Joan Bloom**
 Councilmember Peterson
 Mayor Earling

City Staff Present: **Al Compaan, Police Chief**
 Carrie Hite, Human Resources Reporting Director
 Jim Lawless, Assistant Police Chief
 Jeff Taraday, City Attorney
 Jeannie Dines, Recorder

The meeting was called to order at 9:00 a.m.

1. Transfer and Hold Harmless Agreement for Police Dog Dash to Sergeant Josh McClure

Assistant Chief Lawless explained Dash was purchased in 2006 with funding assistance from the Police Foundation. Dash is reaching the end of his working career and with Sergeant McClure's recent promotion, it is an appropriate time to retire Dash. In keeping with past practice, the proposal is to transfer Dash to Sergeant McClure for \$1, along with a hold harmless agreement releasing the City of all liability. The agreement has been reviewed by the City Attorney and approved as to form.

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| Action: Schedule on Consent Agenda |
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2. Continued Discussion Regarding Edmonds City Code Chapter 2 Revisions

Mr. Taraday explained he used the minutes of the previous committee meeting to draft the proposed changes. If the minutes did not reflect consensus on an issue, the change was not incorporated into the Chapter 2 revisions.

2.10.010.D

Councilmember Bloom expressed concern with the proposed language that would allow the Council to waive the three interview requirement and opt to interview as few as one candidate.

Following discussion regarding the number of candidates to be interviewed, Councilmember Bloom expressed support for the City Council interviewing the top three candidates and having the option to interview as few as two. Councilmember Peterson supported the City Council interviewing the top two and having the option to interview as few as one.

Mr. Taraday proposed the following language for consideration by the full Council:

“D. The mayor shall appoint...The city council shall interview the top [two] [three] candidates for each position prior to the mayor’s final selection, PROVIDED that the city council may waive the [two] [three] interview requirement by motion and may opt to interview as few as [one] [two] candidate(s) for any vacant position. The mayor’s ...” “If in that six month period of time, the [two] [three] suitable candidates have not been...”

Definition of City Officer

Next, Councilmember Bloom suggested defining city officer. Mr. Taraday explained the scope of Chapter 2.10 is limited to confirmation and duties of appointive officers. The only definition included is appointive officer; many city officers (such as the City Attorney, Councilmembers, Mayor, Planning Board Members, etc.) are not subject to the confirmation provisions of this chapter. The draft Ethics Code may use either city officer or official but he found no meaningful difference between the two.

Following discussion, Mr. Taraday agreed one term should be used consistently. He preferred “officer” to be consistent with State law. In instances where specificity is necessary, he suggested using an adjective such as elected or appointed.

2.10.010.E

Councilmember Bloom expressed concern with allowing the Mayor to appoint an acting director without City Council confirmation and not filling the vacant position. Mr. Taraday referred to language in this section that requires the Council be informed. Ms. Hite referred to proposed language that limits an acting directorship to six months with potential for a three month extension.

Mr. Taraday suggested eliminating “immediately,” commenting it may not be appropriate to immediately conduct a search to fill a vacant position if the Mayor wants to propose reorganization or until the Council has completed their review of the specifications of the positions and revised as needed.

Councilmember Bloom expressed concern with reorganizing whenever a director leaves.

Mr. Taraday explained when a director position is vacated, it is prudent to consider whether to fill the position or reorganize the department. There is less legal risk in eliminating a position when it is vacant than when it is filled. He encouraged the Council to include flexibility in the code that contemplates various scenarios.

Mayor Earling had concerns with rewriting a job description and conducting a search at the same time. He suggested a 30-60 day delay after a position is vacated.

Councilmember Peterson agreed it would not be appropriate to conduct a search until the Council has completed their review/revision of the job descriptions and/or the Mayor has considered reorganization. He said 30 days was unlikely to be enough time.

It was agreed Mr. Taraday will draft language eliminating “immediately” and providing options for a time period for the Mayor to propose reorganization to the Council at the time a director leaves.

Section 2.10.050

Councilmember Bloom suggested not including “his/her designee” in the definition of a position. She preferred designation be addressed elsewhere in the code or the job description.

Mr. Taraday recommended changing the title of 2.10.050 to “References.”

Section 2.10.060

Councilmember Bloom inquired about the intent of the last two sentences. Discussion followed. Ms. Hite pointed out the Council directly contracts with the Executive Assistant to Council.

It was agreed to create a new Chapter 2.03, City Council, that would include the information in 2.10.060 regarding the Executive Assistant to Council.

Section 2.10.070

It was agreed to move the language in 2.10.070 into the chapter regarding the Mayor.

Review of Director Position Job Descriptions

Councilmember Bloom suggested reviewing director positions at least every five years in addition to when a position is vacated. Following discussion, it was agreed to review director positions every three years in conjunction with nonrepresented salary surveys.

Section 2.10.010.C

Committee members agreed with Mr. Taraday’s recommendation to delete 2.10.010.C, as it is duplicative of language in 10.35.010.A.

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| Action: Schedule for full Council. |
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3. Discussion Regarding Authorization to Recruit for Development Services Director

Councilmember Bloom pointed out the current language in Chapter 2.10 requires the Council interview the top three candidates and does not allow appointment of a current employee. She questioned how Mayor Earling’s proposal fit with Chapter 2.10.

Councilmember Peterson pointed out the Mayor currently does not have budgetary authority to fill the position. He suggested the options are, 1) a budget amendment and utilize the existing process in Chapter 2.10, or 2) consider the position during 2014 budget deliberations when the revisions to Chapter 2.10 likely will have been finalized.

Councilmember Bloom expressed concern that the Development Services Director position was not funded in the 2013 budget. She voiced her preference to begin recruitment for the position immediately, recognizing the selection process was likely to take several months.

Mayor Earling reviewed his proposal to permanently appoint the existing Acting Development Services Director to the position. Mr. Chave would retain most of the Planning Manager responsibilities and Kernen Lien, who would be assigned a new job title, would assume some of the Planning Manager responsibilities along with his current job. This is a more financially prudent plan and Mr. Chave is very competent and has been doing an exemplary job. He suggested the Council could waive the current procedure.

Mr. Taraday agreed the Mayor did not have the authority to hire a permanent director until the budget includes that authority. With regard to whether Council could waive the appointment process, he acknowledged in the recent past the Council has confirmed appointments in a manner that did not strictly follow the code.

Mr. Taraday summarized Mayor Earling has presented a proposal to reorganize the department; Councilmember Bloom's proposal is to begin recruiting for the Development Services Director position. Both can be characterized as reorganization proposals and both require budget amendments. He suggested committee members discuss the merits of those two proposals.

Councilmember Peterson pointed out the decision whether to fund the Development Services Director needed to be made before recruitment began.

Councilmember Bloom wanted to begin recruiting for the Development Services position now; Mr. Chave can apply. During the 2014 budget process, the Council can discuss whether to eliminate other positions.

Councilmember Peterson preferred this discussion occur as part of the budget process. He did not see the logic of beginning a recruiting process until a decision regarding funding the position is made. The Development Services Director is not funded in the 2013 budget; the first step is a budget amendment to fund the position.

Following further discussion, Mr. Taraday summarized Councilmember Bloom's proposal: a budget amendment to fund the Development Services Director for the remainder of 2013, fund recruitment, and begin the recruitment process.

Mayor Earling commented other positions will be considered in the 2014 budget. If committee members acknowledge Mr. Chave is doing a good job, he preferred to have the debate regarding how to fill the Development Services Director position during the budget process. He will present the budget to the Council on October 1.

Mr. Taraday commented if the Council approves revisions to Chapter 2.10 that allow the Council to opt to interview one candidate, Mayor Earling's proposal would be consistent with the code.

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| Action: Schedule for full Council consideration a budget amendment to fund the Development Services Director for the remainder of 2013 and to fund recruitment. |
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4. Public Comments – None

The meeting adjourned at 11:33 a.m.